

PANAMA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Panama is a multiparty constitutional democracy. In 2019 voters chose Laurentino Cortizo Cohen as president in national elections that international and domestic observers considered generally free and fair.

The country has no military forces. The Panama National Police is principally responsible for internal law enforcement and public order, and the National Border Service handles border security. The country also has the National Aeronaval Service that is responsible for carrying out naval and air operations that include some internal security responsibilities. Civilian authorities maintained effective control over the security forces. There were reports that some members of security forces committed abuses.

Significant human rights issues included credible reports of: serious problems with the independence of the judiciary; serious restrictions on free expression and media, including threats to enforce criminal libel laws to limit expression; serious government corruption; and laws barring consensual same-sex sexual conduct between adults in some security forces that were unenforced.

The law provides criminal penalties for corruption by officials, and mechanisms exist to punish officials who commit human rights abuses, but the government did not take effective steps to identify, investigate, prosecute, and punish officials who committed human rights abuses or engaged in corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution prohibits such practices, and there were no reports that government officials employed them.

Impunity existed among security forces due to weak and decentralized internal control mechanisms for conduct and enforcement, in addition to a culture of corruption. Poor availability of data made the extent of impunity difficult to gauge. The National Criminal Statistics Directorate was unable to provide thorough data on the police's internal affairs, as the government rarely publicized cases of police abuse or corruption. The Panama National Police's internal affairs office was responsible for enforcing conduct violations but was inefficient and resisted efforts to modernize. National police authorities provided training and information to officers to discourage involvement in narcotics trafficking and corruption.

Prison and Detention Center Conditions

Prison conditions remained harsh due to gross overcrowding, insufficient internal security, a shortage of prison guards, lack of potable water, inadequate medical services, and poor sanitary conditions.

Abusive Physical Conditions: According to the Ministry of Government's National Directorate of the Penitentiary System (DGSP), as of August, the prison system held 21,113 prisoners in facilities with an intended capacity of 14,591 persons. Pretrial detainees shared cells with convicted prisoners due to space constraints. Prison conditions for women were generally better than for men, but conditions for both populations were poor. Prisons held transgender women together with men. Several facilities were overcrowded, and several others lacked adequate inmate security, medical care, basic supplies for personal hygiene, and potable water. The Ombudsman's Office received complaints regarding poor prison conditions and mistreatment of prisoners.

Nongovernmental organizations (NGOs) with access to prisons reported that self-described evangelical pastors and gang leaders continued to tightly control the pavilions inside the prisons. The NGOs reported perceived favoritism towards evangelical inmates who appointed themselves “leaders of the prison pavilions.” NGO representatives also reported that perceived corruption within the prison system enabled these “leader” inmates to receive privileges, most likely requiring the collaboration of police or civilian custodians. Other inmates had to secure approval of these “leaders,” which often involved payment of bribes, to obtain expedited transfers or access to their legal counselors.

Gang activity in prisons represented a daily threat to prisoner safety. Civil society representatives said prison security personnel and inmates’ relatives were likely complicit in smuggling weapons into prisons.

Medical care overall was inadequate due to lack of personnel, transportation, and medical resources. The Ombudsman’s Office received various complaints against prisons, some of them for human rights violations due to lack of medical care during the pandemic. Authorities transferred patients with serious illnesses to public clinics, but there were constant difficulties in arranging inmate transportation. Transfer of inmates depended on the availability of police vehicles or the limited national ambulance system.

Administration: Authorities conducted investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted prison monitoring by independent nongovernmental observers. The prisons officer from the Ombudsman’s Office conducted several unannounced visits without restrictions. Human rights NGOs seeking access to prisons were required to send a written request to the DGSP 15 days in advance, which according to representatives of these NGOs was an undue wait time designed to limit access.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law requires arresting officers to inform detainees immediately of the reasons for arrest or detention and of the right to immediate legal counsel. During nationwide protests in June and July, there were some complaints of abuse of authority by police detaining protesters.

Legal cases opened prior to the transition to the accusatory justice system continued to be processed under the previous inquisitorial system. Courts operated under the inquisitorial system in the Panama and La Chorrera judicial districts. Both systems were vulnerable to corruption, inefficiencies, and bureaucratic obstacles. Informality in judicial processes, such as sending documents through mobile messenger platforms instead of official emails, became the norm for some lower-level court judges, thus jeopardizing the integrity of the judicial process.

Under the accusatory justice system, bail exists but was rarely granted because of implementation of a less costly provisional release system. Under the inquisitorial system, a bail procedure existed for a limited number of crimes but was largely unused. Most bail proceedings were at the discretion of the Prosecutor's Office and could not be initiated by detainees or their legal counsel. Bail was granted in high-profile corruption cases, which prompted complaints by civil society organizations that the Public Ministry was administering "selective" justice.

The law prohibits police from detaining adult suspects for more than 48 hours but allows authorities to detain minor suspects for 72 hours. Under the accusatory justice system, arrests and detention decisions were based on probable cause.

Arbitrary Arrest: During nationwide protests in July, there were some uncorroborated accusations of arbitrary arrests or detentions. Transgender activists alleged instances of arbitrary detention of transgender women in Panama City.

Pretrial Detention: Lengthy pretrial detention was a problem. According to official statistics, as of August, approximately 35 percent of inmates had not been convicted. Full implementation of the accusatory justice system nationwide continued to consistently decrease the number of pretrial detainees since 2016.

e. Denial of Fair Public Trial

While the law provides for an independent judiciary, the lack of criminal convictions for corruption reinforced widespread public opinion that the judicial system was susceptible to internal and external corruption.

Most allegations of manipulation of the justice system continued to be related to the influence of political actors. Unlike in accusatory system cases, court proceedings for cases under the inquisitorial system were not publicly available. As a result, nonparties to inquisitorial cases did not have access to the proceedings until a verdict was reached. Under the inquisitorial system, judges could decide to hold private hearings and did so in high-profile cases. Consequently, the judiciary sometimes faced accusations, particularly in high-profile cases, of procedural irregularities. Since most of these cases had not reached conclusion, the records remained under seal.

Trial Procedures

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right.

By law the judicial branch is the only entity that schedules hearings within the accusatory justice system, and the penitentiary system is in charge of facilitating logistics for detainees' attendance at these hearings. Detention centers faced problems with virtual hearings due to lack of sufficient equipment and reliable computer connections to support many scheduled hearings, which created delays. Following a change in the leadership of the accusatory justice system in January, there were reports that some courts unofficially transferred the authority to set dates for virtual hearings to the penitentiary system. This change led to reports of inequitable treatment, further delays, missed hearings, and a lack of accurate statistics on the number of hearings conducted throughout the year. Most prisons were limited in their capacity to hold several hearings simultaneously due to a lack of available computers.

The accusatory justice system stipulates that trials must be completed in less than 12 months, but due to lack of judges, some trials were delayed beyond this timeframe. Judges may order detainees to be present during the pretrial phase to

provide or expand upon statements or to confront witnesses. Failure to hold a hearing meant that the affected inmates waited months, on average, for a rescheduled hearing. There were few, if any, simultaneous hearings.

The Public Defender's Office failed to initiate in a timely fashion the formal process for early release of inmates for good behavior, despite mandates from the judicial branch to do so. No disciplinary actions were taken.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens have access to the courts to bring lawsuits seeking damages for, or cessation of, human rights violations, although most did not pursue such lawsuits due to the length of the process. There are administrative and judicial remedies for alleged wrongs, and authorities often granted them to citizens who followed through with the process. A court may order civil remedies, including fair compensation to the individual who was injured. Individuals or organizations that have exhausted domestic remedies may submit petitions alleging human rights violations to the Inter-American Commission on Human Rights.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits arbitrary interference with privacy, family, home, or correspondence, and the government generally respected these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media. The government generally respected this right, but journalists and media outlets noted a continuation of civil libel and slander

lawsuits, which they considered a threat to freedom of expression and freedom of the press.

Freedom of Expression: In June the Institutional Protection Service (SPI), a governmental security agency that protects the president, some ministers, and presidential facilities, forced picnic-goers representing lesbian, gay, bisexual, transexual, queer, and intersex (LGBTQI+) civil society groups to remove a Pride flag from a public park. LGBTQI+ activists alleged that the SPI specifically targeted their flag because it was an LGBTQI+ symbol.

Violence and Harassment: In October the Ministry of Trade and Labor conducted an in-person labor inspection of daily newspaper *La Prensa* to which they invited official TV reporters. Journalists alleged the decision to invite official press, which had not occurred for other such inspections, amounted to intimidation.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Media associations expressed concern regarding what they claimed was government institutions' use of the data protection law to impede the publication of information of public interest and to avoid sharing information with the press. Leaders of media group Corprensa noted that government institutions had refused to provide information on issues of public interest, claiming the data protection law prohibits them from sharing information.

In June the National Transparency and Access to Information Authority (ANTAI) sanctioned digital outlet *La Verdad Panama* with a \$1,000 fine for the publication of a marriage certificate in a press report, stating the publication violated the data protection law. Various press groups alleged ANTAI's interpretation of the law represented harassment of journalists, since it hindered the publication of public interest information based on legal documents and thus deterred investigative reporting. ANTAI agreed to reconsider the sanction and suspended the fine.

Libel/Slander Laws: The law criminalizes defamation, and penalties include fines, imprisonment, or both. The number of civil libel and slander cases increased, with filers claiming damages from media outlets and journalists for their publications. Many of these cases were dismissed. *La Prensa* saw all 17 criminal cases that were brought against it either dismissed or put on hold, while 22 of the

26 cases brought against digital outlet *Foco Panamá* were dismissed or were pending.

In June a court ordered *La Prensa* to pay \$3,000 in damages, and journalists Olmedo Rodríguez and José González to pay \$750 each in fees, for publishing a report in English concerning former First Lady Marta Martinelli's irregular procurement of Christmas gift bags. Marta Martinelli claimed one million dollars in damages.

In August independent presidential candidate Dimitri Flores threatened to sue *La Prensa* if the newspaper published "ill intended" stories about him. The threat came in response to *La Prensa*'s inquiry regarding a 2011 sentence against Flores for fraud. The newspaper published the threat as an example of how politicians threaten journalists with criminal libel lawsuits to influence reporting.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

Access to Asylum: The law provides for asylum or refugee status, and the government has established a system for providing protection to refugees. The entire process could take up to three years. Those initially admitted into the process by the National Refugee Office may obtain work authorizations, but the waiting period also normally took more than a year and did not guarantee final approval.

The National Refugee Office did not have a permanent presence in any of the government-run migrant reception centers across the country. Persons who wished to request asylum had to approach the National Border Service, the National Migration Service, an international organization, or an NGO to request protection and then meet with a National Refugee Office representative. This process created barriers to access and long delays.

According to UNHCR and its nongovernmental partners, thousands of persons in the country were unable to benefit from international protection. These included persons in the asylum process, many of whom had been waiting years for a decision, including persons recently recognized as refugees but not yet informed of the positive decision and persons who did not apply for refugee status due to the complexity of the process.

Refoulement: The National Refugee Office did not have a presence in airports. UNHCR noted asylum seekers and refugees had trouble accessing protection when transiting the country. In August the National Migration Service returned a UNHCR-recognized Venezuelan refugee to Venezuela, despite intervention from UNHCR. The refugee transited the country's Tocumen International Airport following his deportation from Aruba. In September the National Refugee Office took a week to respond to an incident in which the National Migration Service considered repatriating a Cuban asylum seeker. The asylum seeker spent a week in a room in an airport that was ill-suited for long-term detainment.

Access to Basic Services: If refugees could not present complete certified school records from their country of origin, education authorities sometimes denied refugees access to education or refused to issue diplomas.

Durable Solutions: The law allows persons legally recognized as refugees or with asylum status who have lived in the country for more than three years to seek permanent residency.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

The government continued to work with Colombia to recognize stateless persons; it identified at least 100 persons in Darien who could be recognized as stateless once determination processes are completed.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2019 voters chose Laurentino Cortizo Cohen as president in national elections that independent observers considered generally free and fair. National legislators, mayors, local representatives, and council members were elected at the same time. A group of observers from the Organization of American States, the EU, electoral NGOs, regional electoral authorities, and the diplomatic corps considered the elections to be fair and transparent. During the year, two Indigenous territories and one Indigenous collective held elections for traditional leadership, which had been delayed past their scheduled date due to the COVID-19 pandemic and governance issues (see section 6, Indigenous Peoples).

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and

they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government generally did not implement the law effectively. There were numerous reports of government corruption, but there were few investigations; those that did take place were protracted and rarely led to successful prosecutions. Corruption remained a serious problem in the executive, judicial, and legislative branches as well as in the security forces.

The law stipulates that only the Supreme Court can investigate members of the National Assembly for acts of corruption while, conversely, only the National Assembly can investigate the Supreme Court. Additionally, there were procedural impediments to investigating minister- and other high-level members of the executive branch. Judicial observers alleged this arrangement perpetuated a climate that inhibited action on corruption investigations in both the judicial and legislative branches.

Corruption: Corruption continued to hamper the judicial system. An easily manipulable system allowed defendants to delay the prosecution of their cases that had almost reached their statute of limitations. In addition to widespread public suspicions about manipulation, there were allegations directed against all levels of the judiciary that judges accepted bribes that influenced their decisions.

Two former presidents were on trial for money laundering and corruption. Former President Ricardo Martinelli and 16 other persons were prosecuted as part of a money-laundering case related to the purchase of Editora Panama America, S.A. with public funds. Although investigations began in 2017, the first hearing did not happen until July after multiple delays.

Former Presidents Martinelli and Juan Carlos Varela, along with several former government officials, were also prosecuted in the bribery case against Odebrecht, a Brazilian construction company.

Corruption and a lack of accountability continued in the police force. Public

security forces lacked an impartial investigative body for internal investigations. The absence of clear standard operating procedures allowed for discretion by officials on a case-by-case basis. The lack of audits over operations led to gaps in accountability and transparency, which contributed to the corruption problem.

In January a court dismissed the charges against three former public security affairs directors and a weapons importer for alleged weapons trafficking.

Section 5. Governmental Posture Toward International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and making public their findings on human rights cases.

Government Human Rights Bodies: The ombudsperson, elected by the National Assembly, headed an office with legal but nonbinding authority. The Ombudsman's Office referred cases to the proper investigating authorities and filed cases with the Public Ministry. Officials from an array of NGOs attested that the ombudsperson generally acted independently and efficiently.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, and stipulates prison terms of five to 10 years. Rapes were the sexual crime most frequently investigated by the National Police Directorate of Judicial Investigation. The law against gender violence stipulates stiff penalties for gender-based violence and both physical and emotional abuse. For example, the law states that the sentence for femicide is 25 to 30 years in prison, whereas penalties for other forms of homicide range from 10 to 20 years in prison. The law was not effectively enforced. Officials and civil society organizations agreed that domestic violence continued to be a serious problem.

In February a girl, age eight, reported sexual abuse that resulted in her pregnancy. The Public Ministry immediately apprehended the abuser while the National Secretariat for Children, Adolescents, and Family Affairs took the girl into its care for mental and physical health services. The high-profile incident sparked public protests, with some protesters decrying a lack of sexual education and reproductive rights.

The National Institute for Women's Affairs offered limited services and assistance to survivors.

Sexual Harassment: The law prohibits sexual harassment in cases of employer-employee relations in the public and private sectors and in teacher-student relations, but not between colleagues. Persons convicted of this crime face a maximum three-year prison sentence. The extent of the problem was difficult to determine because convictions for sexual harassment were rare, preemployment sexual harassment was not actionable, and there were few formal reports.

Reproductive Rights: There were no reports of coerced abortion on the part of government authorities. In February the government denied an activist's accusations of involuntary sterilizations of a small group of Indigenous Ngäbe-Buglé women. The Ministry of Health, the Ombudsman's Office, and the Public Ministry conducted separate investigations, but all concluded that there had been no sterilizations without consent. Some civil society activists alleged that the incident revealed Indigenous communities' broader distrust of the medical system, especially regarding reproductive and sexual health.

The government provided sexual and reproductive health services for the general population and survivors of sexual violence, including emergency contraception for a low cost. The government managed a series of adolescent clinics that provided contraception. Rural areas, including Indigenous territories and semirural areas, lacked access to general health services, including sexual and reproductive health services.

Discrimination: The law prohibits discrimination based on gender, and women enjoy the same legal status and rights as men, but the law was not enforced. The law recognizes joint property in marriages. Women faced discrimination in

employment and occupation.

Systemic Racial or Ethnic Violence and Discrimination

Minority groups were generally integrated into mainstream society. Prejudice was directed, however, at recent legal immigrants, the Afro-Panamanian community, and Indigenous peoples.

Areas where many Afro-Panamanians lived lagged in terms of government services and social investment. The government's National Secretariat for the Development of Afro-Panamanians focused on the socioeconomic advancement of this community.

As of August, the Ombudsman's Office had received three complaints of racism. All the complaints involved bullying and racial discrimination at educational centers. A representative from the Office of the Ombudsman was verbally and physically assaulted when he conducted a site visit to one of the schools. The ombudsperson urged the Ministry of Education to implement stricter policies towards combatting discrimination and reactivated the National Commission Against Racial Discrimination to find solutions to racism.

In May workers and residents in the predominately Black province of Colón organized protests and road closures to demand the government follow through on agreements made to promote economic revitalization, improve health services, and fix education issues. Many Colón residents claimed that high unemployment and other problems in the community were caused by racial discrimination and government neglect. After four days of protests, President Cortizo met with protest leaders to address issues in the province. Cortizo signed an order to jumpstart the economic revitalization projects in Colón that had been stalled.

The law prohibits discrimination in access to public accommodations such as restaurants, stores, and other privately owned establishments. Lighter-skinned individuals continued to be overrepresented in management positions and jobs that required dealing with the public, such as bank tellers and receptionists.

Indigenous Peoples

The law affords Indigenous persons the same political and legal rights as other citizens, protects their ethnic identity and native languages, and requires the government to provide bilingual literacy programs in Indigenous communities. Despite the law's requirements, the government failed to assign the funds necessary for the bilingual literacy project.

Indigenous persons have the legal right to take part in decisions affecting their lands, cultures, traditions, and the allocation and exploitation of natural resources. Traditional community leaders governed *comarcas* – semiautonomous Indigenous territories – for six of the country's seven Indigenous groups. Nevertheless, they continued to face marginalization from mainstream society.

Internal governance problems complicated receipt of government and international funds destined for education, health, and infrastructure projects within the *comarcas*.

In January the Ngäbe-Buglé Indigenous group elected its traditional authorities in an election organized jointly by Ngäbe-Buglé authorities and the Electoral Tribunal. In April the Emberá-Wounaan Indigenous *comarca* elected its authorities in traditional-style elections. Separately, Wounaan Panamanians collectively elected their first woman leader that same month. Authorities were promptly recognized by the government, but these authorities faced questions of credibility from parts of their communities.

The government unofficially recognized other traditional Indigenous government authorities on the basis that these regions were traditionally organized Indigenous settlements and territories that were excluded from the constitution when the original *comarcas* were designated in 1938. The traditional Indigenous authorities were organized under the national coordinating body for Indigenous affairs, the National Coordinator of Indigenous Peoples. The coordinating body expressed concern that the government was stalling full implementation of the *Indigenous Peoples Development Plan* and asked for a meeting with President Cortizo to express their concerns.

In July groups of Indigenous persons joined nationwide protests over the high cost

of living and blocked the Inter-American Highway at multiple locations. In addition to supporting the popular demands, Indigenous peoples also demanded prompt titling of their lands, eviction of illegal settlers, and an end to indiscriminate logging on their lands. Some asked for the government to comply with the ruling of the Inter-American Court of Human Rights regarding the Madugandí comarca and the collective lands surrounding the territory. To allay the protests, the Ministry of Government and the National Coordinator of Indigenous Peoples established a high-level commission to deal with Indigenous demands, at which time Indigenous groups unblocked the highways.

No collective land titles were granted during the year, and some land disputes arose. The Supreme Court denied a demand from the Bri Bri people for a collective land title. The Bri Bri reapplied for a collective title; however, two private land titles were issued during that timeframe for parts of the land they were claiming. In April the Supreme Court of Justice officially admitted the Bri Bri petition to annul individual property titles to Bri Bri lands issued by the government to settlers. In June Emberá-Wounaan authorities also declared that authorities were issuing titles on Indigenous lands to non-Indigenous settlers. In August authorities announced that government authorities had scheduled evictions of illegal settlers from Emberá-Wounaan lands; however, those evictions did not occur.

Ngäbe-Buglé groups continued to protest dam projects on or near their lands. Ngäbe-Buglé activists protested the AES Panama Changuinola hydroelectric dam and damaged some research buildings near the dam, which put the safety of dam workers at risk. There were no plans by AES Panama to halt dam operations. The Barro Blanco dam project, opposed by many Ngäbe-Buglé groups, continued to operate unhindered. There were no plans by the government to halt dam operations.

Many Indigenous individuals had not received sufficient information to understand their rights. Additionally, due to the inadequate educational system available in the comarcas, many Indigenous individuals were unaware of or failed to use available legal channels.

Societal and employment discrimination against Indigenous persons was

widespread. Employers frequently denied to Indigenous workers the basic rights provided by law, such as a minimum wage, social security benefits, termination pay, and job security. Laborers on the country's agricultural plantations, most of whom were Indigenous persons, continued to work in overcrowded and unsanitary conditions. The Ministry of Labor conducted limited oversight of working conditions in remote areas.

Access to health care was a significant problem for Indigenous communities, primarily due to poor infrastructure and lack of personnel and supplies. Indigenous communities lacked access to education and justice due to the size and remoteness of their territories. Service infrastructure remained deficient, and there was little presence of government authorities, including teachers, police, and justices of the peace (see also section 6, Women – Reproductive Rights).

Children

Birth Registration: The law provides citizenship for all persons born in the country, but parents of children born in remote areas sometimes had difficulty obtaining birth registration certificates. Registration was provided on a nondiscriminatory basis.

Child Abuse: Child abuse is illegal. The law has several articles pertaining to child abuse and its penalties, which depend on the type of abuse and range from six months' to 20 years' imprisonment. The Ministry of Social Development maintained a free hotline for children and adults to report child abuse; the hotline was advertised widely. The ministry funded children's shelters operated by NGOs.

Investigations and prosecutions of alleged abuses committed against minors in government-funded shelters continued. In March authorities sentenced an individual to 12 years in prison for the sexual abuse of a minor housed in one of the shelters. Additionally, authorities charged four officers in the National Secretariat for Children, Adolescents, and Family Affairs with the abuse of minors for allowing a child to be transferred to a shelter authorized for the rehabilitation of adults, which made the child vulnerable to abuse.

Child, Early, and Forced Marriage: The minimum legal age for marriage is 18. The government prohibits early marriage.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation, sale, and offering for prostitution of children, in addition to prohibiting child pornography. The minimum age of consent is 14. Officials from the Ministry for Public Security prosecuted cases of sexual abuse of children, including within Indigenous communities. Ministry officials believed commercial sexual exploitation of children occurred, including in tourist areas in Panama City and in beach communities, although they did not keep separate statistics. As of October, nationwide there were no cases reported of child sexual tourism.

Antisemitism

Jewish community leaders estimated there were 15,000 Jewish individuals in the country. There were no known reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law does not criminalize consensual same-sex sexual conduct between adults. The disciplinary regulations of the National Police and firefighters, however, listed the practice of homosexuality and lesbianism as a “grave offense.” There were no instances of this regulation’s enforcement. The Ministry of Security made no credible efforts to rescind this discriminatory regulation during the year.

Violence against LGBTQI+ Persons: The government provided no estimate of the number of cases of violence reported against LGBTQI+ individuals. Civil society groups alleged continued police harassment of LGBTQI+ individuals as well as high levels of violence against transgender persons. Transgender activists alleged that a small number of police extorted transgender sex workers (see section 1.d., Arbitrary Arrest).

Discrimination: The law does not prohibit discrimination based on sexual orientation. There was societal discrimination based on sexual orientation and gender identity, which often led to denial of employment opportunities. Same-sex marriage continued to be prohibited by law. Same-sex couples who were married abroad were not allowed to legally register their marriages.

Lesbian activists noted their restricted ability to create a family. It was impossible under the law to ensure that a child has the same last name as both women parents, even though unmarried opposite-sex parents have this option.

Availability of Legal Gender Recognition: The law has a narrow path to gender recognition that requires invasive physical examinations. The law does not recognize nonbinary status. Civil society groups alleged that gender recognition was virtually impossible. The law allows for name changes, although barriers – including, in most cases, a five-year period of continued use – existed that impeded such legal changes.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Some LGBTQI+ civil society leaders alleged that some churches used so-called conversion therapy and coordinated with the National Institute on Mental Health. Leaders of the International Coalition of Women and Family alleged that instances of “conversion therapy” occurred during the year, citing the case of a woman, age 18, whose family threatened to use electroshock on her as part of “conversion therapy.”

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: No laws explicitly restricted the freedom of expression, association, or peaceful assembly of LGBTQI+ individuals.

Persons with Disabilities

The law mandates that persons with disabilities have access without discrimination to education, health services including rehabilitation and therapy, public transportation, public and private buildings, sports and cultural events, and jobs.

Persons with disabilities faced difficulty accessing education, health services, public buildings, and transportation on an equal basis with others. There was

discrimination against persons with disabilities in employment and occupation. Government information and communication were not provided in accessible formats, and there was no law requiring such access.

Most of Panama City's bus fleet remained wheelchair inaccessible. Public buses in the rest of the country were small and not adapted for persons with disabilities. Panama City Metro elevators remained closed for most of the year, according to NGO representatives. A lack of ramps further limited access to older Metro stations, although Metro Line 2 had ramp access.

Other Societal Violence or Discrimination

The law prohibits discrimination against persons with HIV and AIDS in employment and education. Discrimination, however, continued to be common due to ignorance of the law and a lack of mechanisms for ensuring compliance. LGBTQI+ individuals with HIV or AIDS reported a deterioration in their rights under the current administration, amid rising social stigma and political opposition.

Employees are not obligated to disclose their HIV or AIDS status to their employer, but if they do so, the employer must keep the information confidential. Employers may be fined for not keeping an employee's medical condition confidential. The government was active in preventing discrimination against persons with HIV and AIDS.

Although HIV clinics continued to deliver services, the number of patients dropped due to fears of infection and COVID-19-related complications.

During the year, there was only one appointment available per patient each month at the Ministry of Health's facilities for the HIV viral load test. Guidelines for appointment priorities were established to prioritize pregnant women and newly diagnosed patients at the expense of other patient groups, such as LGBTQI+ individuals. Capacity limitations at the facilities meant delayed appointments for stable patients.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of private-sector workers to form and join independent unions, bargain collectively, and conduct strikes. The law prohibits antiunion discrimination and requires reinstatement of workers terminated for union activity, but the government did not effectively enforce it.

Government regulations on union membership placed some restrictions on freedom of association. The constitution mandates that only citizens may serve on a union's executive board. In addition, the law requires a minimum of 40 persons to form a private-sector union (either by a company across trades or by trade across companies) and allows only one union per business establishment. The International Labor Organization (ILO) observed that the 40-person minimum is a potential impediment to the right to organize and bargain collectively. Many domestic labor unions, as well as representatives of the public and private sectors, supported the 40-person minimum, since having a greater number of participants can strengthen a union's influence.

Unions are required to register with the Ministry of Labor. If the ministry does not respond to a private-sector union registration application within 15 calendar days, the union automatically gains legal recognition, provided the request is submitted directly and with the required supporting documentation. Worker organizations in the private sector were occasionally subjected to the influence of government, political parties, employers, and employers' associations. The Ministry of Labor received 16 new requests for unions and admitted seven in 2021; there were seven requests with two admissions in the year as of October.

Public-sector employees may organize to create professional associations to bargain collectively on behalf of their members, even though public institutions are not legally obliged to bargain with such associations. Public-sector professional associations must apply to the Ministry of Government for legal recognition, but recognition is automatic if the government does not respond to the application within 30 days. The law stipulates only one association may exist per public-sector institution and there can be no more than one chapter per province. At least

50 public servants are required to form a professional association. Members of the national police are the only workers prohibited from creating professional associations. There were 25 public-worker associations registered under the National Federation of Public Servants, an umbrella federation of public-sector worker associations. This figure represents a decrease from approximately 50 associations in the 1990s. Individual professional associations under the National Council of Organized Workers may negotiate on behalf of their members, but the Ministry of Labor can order compulsory arbitration. Public-sector professional associations represent most public-sector workers.

The labor code protects the right of private-sector workers to strike, but with limits. Most employees in an enterprise must support a strike. Strikes are permitted only if they are related to improvement of working conditions, a collective bargaining agreement, repeated violations of legal rights, or to support a strike by other workers on the same project, known as a solidarity strike. In the event of a strike, 20 to 30 percent of the workforce must continue working to provide minimal services, particularly legally defined essential services such as transportation, sanitation, mail delivery, hospital care, telecommunications, and provision of necessary food. Strikes in essential transportation services are limited only to those involving public transportation. Less than 15 percent of the private-sector labor force was organized. Sectors such as banking, retail, and most call centers did not have unions due to efforts by employers to prevent union organizing.

The law prohibits public sector associations from calling strikes, and the law does not protect public-sector workers from losing their jobs if they participate in strikes. Nonetheless, strikes in the public sector did occur.

In July organized labor, mainly teachers' associations, mobilized nationwide strikes, blocking the Pan-American Highway. Although protests and roadblocks ended by August after unions won concessions on fuel, medicine, and food subsidies, the government and union representatives continued negotiating.

The Panama Canal Authority is an autonomous entity, independent of the national government, and subject to its own labor regulations. The law prohibits strikes by Panama Canal Authority employees but allows professional associations representing Panama Canal Authority employees to organize and bargain

collectively on issues such as schedules and safety. The Panama Canal Authority provides arbitration to resolve disputes.

An estimated 80,000 public workers had been dismissed since the start of President Cortizo's administration in 2019. Throughout the year, the administration continued to dismiss public workers, mostly without citing a legal basis and always without paying negotiated employment benefits such as paid vacation leave or severance pay. According to reports, these firings were due to policy changes from the change in government, not austerity measures related to the COVID-19 pandemic, as the government cited. Dismissals accelerated following nationwide protests in July when organizers demanded a reduction in austerity measures that had included a 10 percent cut to the public payroll, a move that cost 27,000 public servants their jobs. The National Federation of Public Servants estimated that 7,000 public-sector workers were dismissed since July in violation of established protocols that protect seniority and vulnerable groups, including pregnant women.

The government did not consistently enforce the labor code in the private sector and was less likely to enforce the law in rural areas. Penalties for violations were commensurate with those under other laws involving denials of civil rights. Penalties were regularly applied against violators.

Violence against labor unions was rare. In July the National Police fired tear gas and rubber bullets at protesters, reportedly including union members, during nationwide roadblocks against the high cost of living. A prominent construction union criticized the government for wounding one individual during the incident.

b. Prohibition of Forced or Compulsory Labor

Although the law prohibits all forms of human trafficking, including forced labor of adults and children, the penal code stipulates that a trafficking offense must include movement of the person. This is inconsistent with international protocols. The government enforced the law in the formal sector, and sometimes in the informal sector.

Forced labor occurred, mainly with sexual exploitation of adults and children. Labor traffickers reportedly used debt bondage, false promises, exploitation of migratory status, lack of knowledge of the refugee process and irregular status,

restrictions on movement, and other indicators of forced labor. Migrant workers without work permits were vulnerable to forced labor. There also were reports of forced child labor.

The Ministry of Labor investigated human trafficking for the purpose of forced labor, granted residency and work permits for foreign trafficking victims, and provided additional food and hygiene support to trafficking victims during the pandemic. Authorities prosecuted and convicted fewer perpetrators of labor exploitation and identified fewer potential forced labor victims than in previous years.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on race, sex, religion, political opinion, citizenship, disability, social status, and HIV status. The law does not prohibit discrimination based on sexual orientation or gender identity. Although the country is a member of the International Equal Pay Coalition, which promotes pay parity between women and men, a gender wage gap continued to exist, and no law mandates equal pay for equal work. The law places restrictions on women working in jobs deemed hazardous.

The government did not effectively enforce the law, and penalties were not commensurate with those for similar crimes. The Ministry of Labor received 37 cases of discrimination or workplace harassment. Penalties were rarely applied against violators.

Despite legal protections, discrimination in employment and occupation occurred with respect to race, sex, disability, and HIV-positive status. The LGBTQI+ community faced discrimination in workplaces reluctant to incorporate them.

During the job interview process, applicants, both citizens and noncitizens, must complete medical examinations, including testing for HIV and AIDS. The law requires all laboratories to inform applicants that an HIV test will be administered, but private-sector laboratories often did not inform the patient that HIV testing would occur. It was common practice for private-sector human resources offices to terminate applications of citizens with HIV without informing applicants that they were denied employment because of their HIV-positive status. While private laboratories often informed law enforcement of migrants with HIV, the National Migration Service did not engage in deportation procedures based specifically on a migrant's HIV status.

The National Federation of Public Servants began in 2021 to include sexual identity rights education in its educational programming for public-sector workers.

NGOs noted that during job interviews, women were often asked if they were married, pregnant, or planned to have children. It was common practice for human resources offices to terminate the applications of women who indicated a possibility of pregnancy soon (see section 6, Women). Persons with disabilities continued to face discrimination in hiring and in accessing the workspace. The Ministry of Labor elevated the Private Placement Agencies Section to a department, thereby increasing its authority to verify if private placement companies followed best practices and reduced discrimination in hiring practices.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a national minimum wage only for private-sector workers. The minimum wage was above the poverty line. Public servants received lower wages than their private-sector counterparts, but salaries were above the poverty line. Most workers formally employed in urban areas earned the minimum wage or more.

The law establishes a standard workweek of 48 hours, provides for at least one 24-hour rest period weekly, limits the number of hours worked per week, provides for premium pay for overtime, and prohibits compulsory overtime. There is no annual limit on the total number of overtime hours allowed. If employees work more than three hours of overtime in one day or more than nine overtime hours in a week,

excess overtime hours must be paid at an additional 75 percent above the normal wage. Workers, including those who do not work full time, have the right to 30 days of paid vacation for every 11 months of continuous work.

Women are prohibited from working in subways, mines, manual civil construction activities, and in dangerous or unhealthy activities as determined by the Ministry of Labor. A pregnant woman may be dismissed from her job only with a justified cause and with a prior judicial authorization.

Occupational Safety and Health: The Ministry of Labor was responsible for setting occupational safety and health (OSH) standards. Standards were generally current and appropriate for the industries in the country. The law requires employers to provide a safe workplace environment, including the provision of protective clothing and equipment for workers. Sources report there has not been a visit by independent OSH experts to identify unsafe conditions in recent years. Equipment was often outdated, broken, or lacking safety devices, due in large part to fear that replacement costs would be prohibitive. After the beginning of the COVID-19 pandemic, all workplaces were required to establish a health committee to enforce the mandatory health standards established by the Ministry of Health.

The Ministry of Labor sought to improve technical inspection capabilities at mines, due to the importance of the sector to economic growth and its significant contribution to the country's GDP. The ministry trained mining sector inspectors in collaboration with Latin American countries with established mining industries.

Wage, Hour, and OSH Enforcement: The Ministry of Labor generally enforced the law in the formal sector. The inspection office consists of two groups: the Panama City-based headquarters group and the regional group. The number of inspectors and safety officers was insufficient to enforce wage, hour, and OSH regulations adequately in the formal sector, according to officials from the Ministry of Labor and from the Human Rights Ombudsman. Penalties were not commensurate with those for similar violations. Penalties were regularly applied against violators.

Informal Sector: According to official sources, in September, 48 percent of the working population worked in the informal sector, outside the protections of the

labor code, some earning well below the minimum wage. Informal-sector workers do not receive wage, hour, or occupational safety protections in the labor code, nor do they receive social protections from an official entity. Part-time workers are not entitled to protections beyond social security, as there is no specific legislation for this class of workers.